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EXAMINER

DAFTUAR, SAKET K

| ART UNIT | PAPER NUMBER |
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2151

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference character 310, 312, and 314 from Figure 3 and 702 in Figure 7 are not mentioned in specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 19-24 are objected to because of the following informalities: As per claim 19, it is not clear whether it is a method claim or an apparatus claim "a processor ()

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capable of carrying out a method for suppressing silence frames in a stream of media, the method comprising.” For the purpose of examination, claim 19 is treated as an apparatus claim. Appropriate correction is required.

Claims 20-24 depend on claim 19. Therefore, claims 20-24 are objected under the same rationale as set forth in claim 19.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yao et al. U.S. Patent Number 6,785,262 B1 (hereinafter Yao).

As per claim1, Yao discloses receiving a stream of media from a user (see column 3, lines 20-21, examiner consider receiving data at the receiver as a receiving a stream of media file from a user); and suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner consider data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence

frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claim2, Yao discloses said suppressing includes suppressing an initial silence frame situated before a first media frame (see column 4, lines 8-40, examiner consider data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing includes suppressing an initial silence frame situated before a first media frame).

As per claim3, Yao discloses said suppressing includes suppressing all initial silence frames situated before a first media frame (see column 4, lines 8-40, examiner consider data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing includes suppressing all initial silence frames situated before a first media frame).

As per claim4, Yao discloses said suppressing includes suppressing a silence frame situated between two successive media frames (see column 4, lines 8-40, examiner consider data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines

communication channel latency inherently discloses suppressing includes suppressing a silence frame situated between two successive media frames).

As per claim5, Yao discloses said suppressing a silence frame includes suppressing the silence frame that is in access of a predetermined number of silence frames situated between the two successive media frames (see column 4, lines 8-40, examiner consider data frames are dropped in accordance with the rate at which data frame were encoded and a processor determines communication channel latency inherently discloses suppressing a silence frame includes suppressing the silence frame that is in access of a predetermined number of silence frames situated between the two successive media frames).

As per claim6, Yao discloses said suppressing the silence frame includes suppressing the silence frame that follows a first predetermined number of silence frame following a first media frame and precedes a second predetermined number of silence frame proceeding a media frame subsequent to the first media frame (see column 4, lines 15-25, examiner consider dropping packets based on first predetermined threshold and second predetermined threshold as suppressing the silence frame that follows a first predetermined number of silence frame following a first media frame and precedes a second predetermined number of silence frame proceeding a media frame subsequent to the first media frame).

As per claim7, Yao discloses receiving a stream of media from a user (see column 3, lines 20-21, examiner consider receiving data at the receiver as a receiving a stream of media file from a user); and suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner consider data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claims 8-12, claims 8-12 are computer readable medium of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 8-12 are rejected for the same reasons set forth in claim 2-6, supra.

As per claim13, Yao discloses for receiving a stream of media from a user (see column 3, lines 20-21, examiner consider receiving data at the receiver as a receiving a stream of media file from a user); and for suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner consider data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence

frame) has increased significantly as suppressing at least one silence frame from the received stream of media).

As per claims 14-18, claims 14-18 are an apparatus claim of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 14-18 are rejected for the same reasons set forth in claim 2-6, supra.

As per claim 19, Yao discloses a receiver capable of receiving information (see column 3, lines 20-21, examiner consider receiving data at the receiver as a receiver capable of receiving information); a transmitter capable of transmitting information (see column 3, lines 3-4, examiner consider dropping data frames at transmitter as a transmitter capable of transmitting information); and a processor (see column 3, lines 12-15, examiner consider a processor located within a transmitter as a processor capable of carrying out suppressing silence frames in a stream of media) capable of carrying out a method for suppressing silence frames in a stream of media, the method comprising: receiving a stream of media from a user (see column 3, lines 20-21); and suppressing at least one silence frame from the received stream of media (see column 3, lines 53-58, examiner consider data frames are dropped at a second, higher rate if a processor determines that communication channel latency (inherits silence frame) has

increased significantly as suppressing at least one silence frame from the received stream of media).

As per claims 20-24, claims 20-24 are an apparatus claim of method claims 2-6, respectively. They do not teach or further define the limitations recited in claim 2-6, respectively. Therefore, claims 20-24 are rejected for the same reasons set forth in claim 2-6, supra

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying P.T.O 892.

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKD
October 11, 2005


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER